UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Alejandro BOCANEGRA-Ramirez,** Defendant	Magistrate Docket No. '08 MJ 0329 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **February 4, 2008** within the Southern District of California, defendant, **Alejandro BOCANEGRA-Ramirez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **5th** DAY OF **February 2008**

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Alejandro BOCANEGRA-Ramirez

PROBABLE CAUSE STATEMENT

On February 4, 2008 at approximately 12:30 a.m., Border Patrol Agent S. Galarza received a call from the infrared scope operator of four individuals hiding in an area known as the "33 Draw". This area is approximately four miles west of the San Ysidro, California Port of Entry and approximately three hundred yards north of the United States/ Mexico International Border.

After following the Scope operators' directions and searching the area, Agent Galarza found all individuals attempting to conceal themselves in brush. Agent Galarza identified himself as a U.S. Border Patrol Agent and questioned the individuals as to their citizenship and nationality. All the individuals including one person later identified as the defendant **Alejandro BOCANEGRA-Ramirez**, freely admitted to being citizens and nationals of Mexico illegally present in the United States. At approximately 12:40 a.m., Agent Galarza arrested the group including the defendant and had them transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **December 31, 2007** through **Calexico, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally